

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

JAIME MARTINEZ,

Petitioner,

v.

WARDEN GERALDO ROSALEZ,
BASTROP FCI,

Respondent.

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1:22-CV-01297

ORDER

Before the Court is Petitioner Jaime Martinez’s (“Martinez”) Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, (Dkt. 1), and amended petition, (Dkt. 8), as well as Respondent Warden Geraldo Rosalez, Bastrop FCI’s (“Rosalez”) motion to dismiss, (Dkt. 9). The case was referred to United States Magistrate Judge Dustin M. Howell for findings and recommendations, pursuant to 28 U.S.C. § 636(b)(1), Federal Rule of Civil Procedure 72, and Rule 1, Appendix C of the Local Rules of the U.S. District Court for the Western District of Texas. Judge Howell filed his report and recommendation on April 10, 2023. (Dkt. 12). In his report and recommendation, Judge Howell recommends that the Court grant Rosalez’s motion to dismiss, (Dkt. 9), and deny Martinez’s petitions for writ of habeas corpus under 28 U.S.C. § 2241, (Dkt. 1 and Dkt. 8). (Dkt. 12 at 11). Martinez filed objections to the report and recommendation. (Dkt. 15).

A party may serve and file specific, written objections to a magistrate judge’s findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Martinez objected to each portion of the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in

the report and recommendation, the Court overrules Martinez's objections and adopts the report and recommendation as its own order.

Accordingly, **IT IS ORDERED** that the report and recommendation of United States Magistrate Judge Dustin M. Howell, (Dkt. 12), is **ADOPTED**. Rosalez's motion to dismiss, (Dkt. 9), is **GRANTED**, and Martinez's petitions for writ of habeas corpus under 28 U.S.C. § 2241, (Dkt. 1 and Dkt. 8), are **DENIED**.

SIGNED on May 12, 2023.

A handwritten signature in blue ink, appearing to read "R. Pitman", is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE